

Approved, SCAO

Original - Court  
1st copy - Defendant2nd copy - Plaintiff  
3rd copy - Return

STATE OF MICHIGAN 52-3 JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT	CASE NO. 16-000868
---	-----------------------	-----------------------

Court address: 700 Barclay Circle, Rochester Hills, MI 48307  
 Court telephone no. (248) 853-5553

Plaintiff's name(s), address(es), and telephone no(s).  
 Dave Kerti c/o his attorney

Plaintiff's attorney, bar no., address, and telephone no.  
 Adam G Taub (P48703)  
 17200 W 10 Mile Rd., #200  
 Southfield, MI 48075  
 248-746-3790

v

Defendant's name(s), address(es), and telephone no(s).  
 Equifax Information Services LLC  
 c/o resident agent  
 CSC Lawyers Incorporating Service Company  
 601 Abbot Rd.,  
 East Lansing, MI 48823

RECEIVED FOR FILING  
 52-3 JUDICIAL DISTRICT COURT  
 2016 FEB 25 P 3:10

**SUMMONS NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state). (MCR 2.111[C])
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued: 2-25-16	This summons expires: 3-26-16	Court clerk: BRIAN M. HENDERSON
-----------------	-------------------------------	---------------------------------

\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

**COMPLAINT** Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.**Family Division Cases**☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

**General Civil Cases**☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in \_\_\_\_\_ Court.The action ☐ remains ☐ is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

**CASE ASSIGNED TO (P42708)  
JUDGE LISA L. ASADOORIAN****VENUE**

Plaintiff(s) residence (include city, township, or village) Lake Orion	Defendant(s) residence (include city, township, or village) Out-of State
Place where action arose or business conducted Lake Orion	

02/23/2016

Date

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter, please contact the court immediately to make arrangements.

MC 01 (5/15) **SUMMONS AND COMPLAINT** MCR 2.102(B)(11), MCR 2.104, MCR 2.105, MCR 2.107, MCR 2.113(C)

**PROOF OF SERVICE****SUMMONS AND COMPLAINT**

Case No. \_\_\_\_\_

**TO PROCESS SERVER:** You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE**☐ **OFFICER CERTIFICATE**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

- ☐ I served personally a copy of the summons and complaint,  
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,  
 together with \_\_\_\_\_

List all documents served with the Summons and Complaint

\_\_\_\_\_ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Signature \_\_\_\_\_

Name (type or print) \_\_\_\_\_

Title \_\_\_\_\_

Subscribed and sworn to before me on \_\_\_\_\_ Date \_\_\_\_\_ County, Michigan.

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Signature: \_\_\_\_\_  
 Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the summons and complaint, together with \_\_\_\_\_

Attachments

\_\_\_\_\_ on

Day, date, time

on behalf of \_\_\_\_\_

Signature

STATE OF MICHIGAN  
52-3 DISTRICT COURT

DAVE KERTI ,

Plaintiff,

-vs-

Case No.  
Hon.

EQUIFAX INFORMATION SERVICES, LLC,

Defendant.

**COMPLAINT**

**Jurisdiction**

1. The amount in controversy is less than \$10,000.00.

**Venue**

2. The transactions and occurrences which give rise to this action occurred within boundaries for the State of Michigan, 52-3 District Court.
3. Venue is proper in this Court.

**Parties**

4. Dave Kerti resides in Lake Orion, Michigan.
5. Dave Kerti is a consumer as defined by the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 *et seq* ("FCRA") at §1681a(c).
6. The Defendant to this action is Equifax Information Services, LLC, is a foreign corporation ("Equifax"), a furnisher of information as contemplated by the FCRA.

RECEIVED FOR FILING  
52-3 DISTRICT COURT  
2016 FEB 25 P 3:10

**General Factual Allegations**

7. Plaintiff discovered false information on his Equifax consumer report; specifically, Equifax was reporting a judgment against Mr. Kerti in the amount of \$670,403.00 when the actual judgment liability was approximately \$3,000.00.
8. At the time Equifax reported the judgment, Equifax had actual knowledge that the jurisdictional limit of the Court from which the reported judgment was obtained has a jurisdictional limit of \$25,000.00.
9. On or about December 1, 2015, Plaintiff sent written notice to Equifax that the \$670,403.00 amount was incorrect; specifically, Plaintiff's letter stated:

"December 1, 2015

***By First Class Mail tracking***

Equifax Information Services, LLC  
PO Box 105314  
Atlanta, GA 30348

**RE:   Name:       Dave Kerti  
      Soc. Sec:     XXX-XX-XXXX  
      REQUEST FOR REINVESTIGATION**

RECEIVED FOR FILING  
52-3 DISTRICT COURT  
2016 FEB 25 P 3:10

To Whom It May Concern:

I am writing this letter to request that you reinvestigate false information in my credit history. You are showing a judgment against me in the amount of \$673,403.00. This is incorrect. The Court I was sued in has a jurisdictional limit of \$25,000.00. Please correct this. The Court file has a copy of the judgment in it that shows the correct amount. Having this judgment show up on my credit report as unpaid in that amount is a complete bar to me getting credit from anywhere.

This false information has affected my credit score. I am asking that it be corrected immediately. Thank you for your prompt attention to this matter.

Sincerely,

[Signature]

Dave Kerti"

10. Mr. Kerti disputed that inaccurate information by transmitting actual notice of his dispute along with an adequate description and explanation to Equifax.
11. Mr. Kerti requested that Equifax reinvestigate and correct the information as envisioned by 15 U.S.C. § 1681i.
12. Mr. Kerti's request for reinvestigation included sufficient information to provide actual notice that the subject credit information was inaccurate and/or the source of information was not reliable.
13. Equifax responded to this dispute from Mr. Kerti by failing to correct the false information.
14. Equifax failed to maintain reasonable procedures to assure the maximum possible accuracy of Plaintiff's credit report.
15. Equifax failed to adequately follow the procedures set forth in 15 U.S.C. § 1681i.
16. Equifax violated 15 U.S.C. § 1681e(b).
17. Plaintiff has been denied credit and has foregone applying for his builder's license due to the fact that Equifax is falsely reporting that he owes someone \$670,403.00.
18. Plaintiff suffered and continues to suffer actual damages as a result of Equifax's failure to abide by 15 U.S.C. § 1681i.

RECEIVED FOR FILING  
2-3 DISTRICT COURT  
2016 FEB 25 P 3:10

**Count I – Violations of the FCRA**

**15 U.S.C. § 1681 *et seq.* (Equifax)**

19. Plaintiff incorporates the preceding allegations by reference.
20. The appearance of the inaccurate account information was the direct and proximate result of Equifax's failure to maintain reasonable procedures to assure the maximum possible accuracy of Plaintiff's credit report in violation of the FCRA, 15 U.S.C. § 1681e(b).
21. Equifax willfully failed to maintain reasonable procedures to assure the maximum possible accuracy of Plaintiff's credit report in violation of 15 U.S.C. §§ 1681e(b) and 1681n.
22. In the alternative, Equifax negligently failed to maintain reasonable procedures to assure the maximum possible accuracy of Plaintiff's credit report in violation of 15 U.S.C. §§ 1681e(b) and 1681o;
23. Equifax willfully failed to maintain reasonable procedures to assure the maximum possible accuracy of Plaintiff's credit report in violation of 15 U.S.C. §§ 1681e(b) and 1681n.
24. As part of the reinvestigation, Equifax was required to notify the furnishers of the disputed account information in a notice.
25. That notice was required to include all relevant information regarding the dispute that the agency has received from the consumer.
26. Equifax failed to include all relevant information regarding the dispute to the furnishers of the disputed account information in violation of the FCRA, 15 U.S.C. § 1681i(a)(2)(A).
27. As part of the reinvestigation, Equifax was required to consider and give due weight to all relevant information submitted by Mr. Kerti.

RECEIVED FOR FILE  
52-3 DISTRICT COURT  
2016 FEB 25 P 3:00

28. Equifax's failed to properly consider and give due weight to all relevant information submitted by Mr. Kerti in course of the reinvestigation, in violation of the FCRA, 15 U.S.C. § 1681i(a)(5).
29. Equifax's reinvestigation improperly resulted in the reporting of information which Equifax found to be inaccurate, incomplete, unverifiable in violation of the FCRA, 15 U.S.C. § 1681i(a)(5).
30. Equifax has wilfully violated the FCRA, 15 U.S.C. §§ 1681i and 1681n.
31. In the alternative, Equifax has negligently violated the FCRA, 15 U.S.C. §§ 1681i and 1681o.
32. Mr. Kerti has suffered damages as a result of these violations of the FCRA.

**COUNT II – Intentional Infliction of Emotional Distress (Equifax)**

33. Plaintiff incorporates the preceding allegations by reference.
34. Equifax's conduct in defaming the good name and credit of Plaintiff constituted extreme and outrageous conduct.
35. Equifax intentionally defamed the good name and credit of the Plaintiff, and did so with reckless disregard of the possible consequences to Plaintiff.
36. Equifax's conduct in defaming the good name and credit of Plaintiff directly and proximately caused emotional distress to the Plaintiff.
37. Plaintiff has suffered damages as a result of the conduct of Equifax.

**COUNT III – Negligence (Equifax)**

38. Plaintiff incorporates the preceding allegations by reference.

RECEIVED FOR FILING  
52-3 DISTRICT COURT  
2016 FEB 25 P 3:10

39. Equifax owed Plaintiff a duty to refrain from unreasonable conduct which could foreseeably cause damage to Plaintiff's person or property.
40. Plaintiff holds a property interest in his good name, credit worthiness, and reputation.
41. Equifax's publication of false and inaccurate credit information on Plaintiff's credit report was unreasonable.
42. Plaintiff has suffered foreseeable damages as a result of this unreasonable publication of false and inaccurate credit information by Equifax.

**COUNT IV- Negligence Per Se - (Equifax)**

43. Plaintiff incorporates the preceding allegations by reference.
44. Equifax's actions in publishing false and inaccurate credit information on Plaintiff's credit report was in violation of express duties under the FCRA.
45. Those unreasonable actions were *per se* unreasonable.
46. Plaintiff has suffered damages as a result of this *per se* unreasonable publication of false and inaccurate credit information by Equifax.

**COUNT IV - Defamation by Libel (Equifax)**

47. Plaintiff incorporates the preceding allegations by reference.
48. Equifax's written publications of the trade lines on Plaintiff's credit report were false and defamatory.
49. Equifax's publications were not privileged communications.
50. Equifax's publications of the trade lines on Plaintiff's credit report were made negligently, with reckless disregard to their falsity, or maliciously.
51. The statements were *per se* defamatory.

RECEIVED FOR FILING  
52-3 DISTRICT COURT  
2016 FEB 25 PM 4:10

52. Plaintiff has suffered special damages including loss of creditworthiness as a result of the publication of the defamatory statements.

53. Plaintiff has suffered emotional distress as a result of the publication of the defamatory statements.

**COUNT V – Malicious Statutory Libel (Equifax)**

54. Plaintiff incorporates the preceding allegations by reference.

55. The inaccurate credit information was published with malice or ill-will.

56. Plaintiff has suffered damages as a result of this malicious libel by Equifax in violation of M.C.L. § 600.2911.

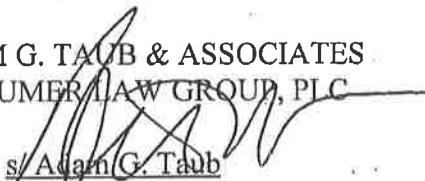
57. Plaintiff is entitled to actual and punitive damages has suffered damages as a result of this malicious libel under the provisions of M.C.L. § 600.2911.

**Demand For Judgment for Relief**

*ACCORDINGLY, Plaintiff requests that this Court award actual damages, statutory damages, and attorney fees.*

Respectfully Submitted,

ADAM G. TAUB & ASSOCIATES  
CONSUMER LAW GROUP, PLC

By:   
s/ Adam G. Taub  
Adam G. Taub (P48703)  
Attorney for Dave Kerti  
17200 West 10 Mile Rd. Suite 200  
Southfield, MI 48075  
Phone: (248) 746-3790  
Email: adamgtaub@clgplc.net

2016 FEB 25 P 3:10

RECEIVED FOR FILING  
52-3 DISTRICT COURT

Dated: February 23, 2016

ADAM G TAUB & ASSOCIATES  
17200 W 10 MILE RD STE 200  
SOUTHFIELD, MI 48075

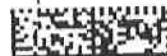
**CERTIFIED MAIL™**



5224 7969 0099 9790 1606 7888 28



062S0007944290



**\$6.960**  
US POSTAGE  
FIRST-CLASS  
FROM 48075  
MAR 14 2016  
stamps.com

Equifax Information Services, LLC  
CSC-Lawyer's Incorporating Service (Company)  
601 Abbot Rd.  
Lansing, MI 48823

TED  
NATION SERVICES, LLC



4882313366 0007